IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 6280 of 2005

Between:

Smt. Palisetti Umalaxmi, W/o. Maheswara Rao, Hindu,
Jada Village, G. Sigadam (M), Srikakulam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Srikakulam, Srikakulam District.
2 The Mandal Revenue Officer, G. Sigadam Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction particularly one in the nature of Mandamus directing the respondents to continue the F.P. Shop dealership of the petitioner by setting aside the impugned procgs. Rc. NO. 1973/2004-H, dated 10-11-2004 of the 1st respondent with all consequential benefits and pass such other relief or relieves as this Hon'ble Court may deem fit, just and necessary in the circumstances of the case.

Counsel for the Petitioner: MR.B.M.PATRO

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Aggrieved by the proceedings dated 10-11-2004, of the first respondent in suspending her authorization as a Fair Price Shop Dealer, without giving prior notice, the petitioner filed this writ petition.

Prima facie, after hearing the learned counsel appearing on both sides, this Court is satisfied that the impugned order was passed at the instance of the District Collector, who ordered, by his proceedings dated 23.9.2004, to conduct an open enquiry by the Enforcement Revenue Inspector, Civil Supplies Office, Srikakulam into the allegation that the petitioner who is a Fair Price Shop Dealer of Jada village is not residing in the village and running the Fair Price Shop through benami. Further, the MRO
G. Sigadam Mandal, after conducting a detailed enquiry, had submitted a report recommending disciplinary action against the dealer, stating that the petitioner is not residing in the village and she is living with her husband and children in some other village. Therefore, the impugned order was passed for violation of conditions 11 and 13 enumerated in the authorization.

As seen from the impugned proceedings, prima facie, I am satisfied that the enquiry was conducted at the instance of the District Collector and further the petitioner was not given any opportunity for submitting her explanation whatsoever in connection with the allegations levelled against her. Therefore, by virtue of the impugned order, the rights of the petitioner, accrued under the authorization, are affected. Further, the learned counsel for the petitioner relied on a judgment of this Court in *Alivelamma V. Revenue Divisional Officer, Dharmavaram* wherein it was held that notice under section 5(4) of the A.P. State Public Distribution System Control Order, 2001 is mandatory. Therefore, I deem it appropriate to set aside the impugned order in the interests of justice.

For the foregoing, this writ petition is allowed at the stage of admission and the impugned order dated 10-11-2004 passed by the first respondent is set aside. However, this order does not preclude the respondents to conduct an enquiry

and pass appropriate orders afresh, after affording due opportunity to the petitioner, in accordance with law. No order as to costs.

20-04-2005

Note:

Issue CC by Monday

B/0 kvsn

To

1 The Revenue Divisional Officer, Srikakulam, Srikakulam District.

2 The Mandal Revenue Officer, G. Sigadam Mandal, Srikakulam District.

3 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

4 Two CD copies.